

X-419-1C-1D US
10/669,588

PATENT
Conf. No.: 1318

IN THE UNITED STATES PATENT OFFICE

Applicant: Stephen M. Trimberger
Assignee: Xilinx, Inc.
Title: "Programmable Capacitor and Method of Operating Same"
Serial No.: 10/669,588 File Date: 09-23-2003
Which is a
Divisional of: 09/805,553 File Date: 03-12-2001
Examiner: Anh K. Phung Art Unit: 2824
Docket No.: X-419-1C-1D US Conf. No.: 1318

VIA FACSIMILE Fax: 1-571-273-0025

Mail Stop PETITION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

FAX RECEIVED

JAN 13 2005

OFFICE OF PETITIONS

PETITION FOR WITHDRAWAL FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE
UNDER 37 CFR 1.313(c)(2)

Dear Sir:

Applicant hereby petitions under 37 CFR 1.313(c)(2) to withdraw from issuance, after payment of the issue fee, the above-referenced patent application.

Applicant recently discovered a typographical error in the paperwork submitted with the filing of the above-referenced patent application as it relates to the serial number of the priority application. The transmittal letter and Application Data Sheet had the same typographical error. The priority Serial Number was presented as 09/805,533 when it should have been 09/805,553.

Applicant has submitted herewith a Petition to Correct Priority of Application under 37 CFR 1.78(a)(3). Applicant also submits herewith a Request for Continued Examination (RCE) and a Supplemental Application Data Sheet which corrects the typographical error in the priority claim that was included in the original document.

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The Commissioner is hereby authorized to charge the fee of \$400.00 under under 37 CFR 1.17(h) and any additional fees, or credit any overpayment that may be required to Deposit Account No. 24-0040.

If the present petitions are accepted and the application is again allowed, Applicant respectfully requests that the Issue Fee previously paid for this application be reapplied.

Respectfully submitted,



Kim Kanzaki
Attorney for Applicant
Reg. No. 37,652

*I hereby certify that this correspondence is being
sent via facsimile to facsimile number 1-571-273-0025
on January 13, 2005.*

Pat Slaback
Name



Signature

pbs

PTO/SB/17 (10-02)
Approved for use through 10-31-2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$ 2560.00)

Complete if Known

Application / Conf. No.	10/669,588 / 1318
Filing Date	September 23, 2003
First Named Inventor	Stephen M. Trimmerger
Examiner Name	Anh K. Phung
Art Unit	2824
Attorney Docket No.	X-419-1C-1D US

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees, any additional fees required, and credit any over payments to:

☒ Deposit Account

Deposit
Account
Number

24-0040

Deposit
Account
Name

XILINX, INC.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity

Fee Paid Code	Fee (\$)	Fee Description	Fee
1001	770	Utility filing fee	
1002	330	Design filing fee	
1003	510	Plant filing fee	
1004	790	Reissue filing fee	
105	160	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20** =	Extra	Fee from below	Fee Paid
Indep. Claims	- 3** =			
Multiple Dependent Claims				

**or number previously paid, if greater; For Reissues, see below

Large Entity

Fee Code	Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	85	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	85	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity

Code	Fee (\$)	Fee Description
1051	130	Surcharge - late filing fee or oath
1052	50	Surcharge - late provisional filing fee or cover sheet
1812	2,520	For filing a request for expedite reexamination
1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	Extension for reply within first month
1252	450	Extension for reply within second month
1253	1020	Extension for reply within third month
1254	1,530	Extension for reply within fourth month
1255	2,080	Extension for reply within fifth month
1401	500	Notice of Appeal
1402	500	Filing a brief in support of an appeal
1403	1000	Request for oral hearing
1451	1,510	Petition to institute a public use proceeding
1452	110	Petition to revive - unavoidable
1453	1,370	Petition to revive - unintentional
1501	1,370	Utility issue fee (or reissue)
1460	130	Petitions to the Commissioner
1807	50	Petitions related to provisional applications
1806	180	Submission of Information Disclosure Stmt
8021	40	Recording each patent assignment per property (times number of properties)
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	Request for Continued Examination (RCE)

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

2560.00

SUBMITTED BY

Name (Print/Type) Kim Kanzaki

Registration No.
(Attorney/Agent)

37,652

Complete (if applicable)

Telephone

720-652-3733

Signature

Date

01-13-2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia, 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

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OFFICE OF PETITIONS

\$1770

\$790

MAIL STOP PETITION VIA FACSIMILE TO 571-273-0025

COMMISSIONER FOR PATENTS**P. O. Box 1450****Alexandria, Virginia****22313-1450***9 pages***Inventor(s): Stephen M. Trimberger****Assignee: XILINX, INC.****Serial No.: 10/669,588**

conf.no. 1318

Filed: September 23, 2003**Title: Programmable Capacitor and Method of Operating Same****Docket No.: X-419-1C-1D US****Enclosed: Return Receipt Postcard****Request for Continued Examination (RCE) Form****Fee Transmittal****Petition to Withdraw from Issuance Under 37 CFR 1.313(c)(2)****Petition to Add Unintentionally Delayed Priority Claim under 37 CFR 1.78(a)(3)****Supplemental Application Data Sheet****Date: January 13, 2005****VIA FACSIMILE 571-273-0025****Atty/Sec: KK/pbs****FAX RECEIVED****JAN 13 2005****OFFICE OF PETITIONS**

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OFFICE OF PETITIONS

PETITION TO ADD UNINTENTIONALLY DELAYED PRIORITY CLAIM OF
APPLICATION UNDER 37 CFR 1.78(a)(3)

Dear Sir:

Applicant hereby petitions the Commissioner to correct the serial number of the priority for the above-referenced patent application.

Applicant recently discovered a typographical error in the paperwork submitted with the filing of the above-referenced patent application as it relates to the serial number of the priority application. The Transmittal Letter and Application Data Sheet for the present application had the same typographical error. The serial number for the priority claim was presented as 09/805,533 when it should have been 09/805,553. A comparison of the specification and drawings of the present application with those of application Serial No. 09/805,553 makes it very clear that it was Applicant's intention to claim priority to application Serial No. 09/805,553.

Thus, the entire delay between the date the claim was due under 37 CFR 1.78 (a)(2)(ii) and the date the claim was filed was unintentional.

Please note that a separate Petition for Withdrawal From Issue Under 37 CFR 1.313(c)(2) is enclosed herein. Also enclosed are a Request for Continued

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Examination (RCE) and a Supplemental Application Data Sheet which corrects the typographical error in the priority claim that was included in the original document.

The Commissioner is hereby authorized to charge the fee of \$1,370.00 under §1.17(t) and any additional fees, or credit any overpayment that may be required to Deposit Account No. 24-0040.


Respectfully submitted,



Kim Kanzaki
Agent for Applicant
Reg. No. 37,652

*I hereby certify that this correspondence is being
sent via facsimile to facsimile number 1-571-273-0025
on January 13, 2005.*

Pat Slaback
Name



Signature